

Decision 05-01-018 January 13, 2005

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Sacramento Regional Transit District for an order authorizing District to construct, maintain and operate a light rail passenger system and Union Pacific Railroad tracks across Mine Shaft Lane in the County of Sacramento, State of California.

Application 04-05-030
(Filed May 17, 2004)

O P I N I O N

Summary

This decision grants Sacramento Regional Transit District's (District) request for authority to construct a new at-grade highway-rail crossing (crossing) to be known as Mine Shaft Lane across the District and Union Pacific Railroad (UPRR) tracks. The new crossing will be identified as Commission Crossing No. 083E-16.32 and 001AH-106.13. The existing crossing of Mine Shaft Lane shall be closed, Commission Crossing No. 083E-16.19 and 001AH-106.00.

Discussion

The District requests authority to construct a new crossing at Mine Shaft Lane across the UPRR and District tracks. Subsequent to filing Application 04-05-030 it was determined that the closure and removal of the existing Mine Shaft Lane crossing is part of the project to open the new Mine Shaft Lane crossing. This fact was inadvertently omitted from the original application, but was confirmed by the District representatives during the diagnostic meeting held on August 20, 2004. The existing crossing, approved under Commission Decision 04-05-045 in Application 03-05-037, is limited to a "right turn in/right

turn out” configuration due to road right-of-way restrictions at that location. This limited access is to an existing business. The new crossing will be located approximately 700 feet east of the existing crossing, and will be controlled by traffic signals at the new intersection of Folsom Boulevard and Mine Shaft Lane, which will allow access for all turn movements to the property. The traffic signals will be interconnected with, and pre-empted by, the railroad warning devices, and utilize an additional train-activated no-right-turn indication message sign for eastbound vehicular traffic.

The crossing will be equipped with one Commission Standard No. 9-A warning device (a Standard No. 9 with an additional flashing lights on a cantilevered mast arm), one median mounted Commission Standard No. 9 warning device (flashing light signals with automatic gates), one Commission Standard No. 8 warning device (flashing light signals), one W10-3 (active advance warning sign) and one W48 (number of tracks) advanced warning signs with active advance warning flashers on Folsom Boulevard, one W10-1 (active advance warning sign) and one W48 (number of tracks) advanced warning signs on Mine Shaft Lane, and pavement markings. An additional set of flashing lights will be installed on the Commission Standard No. 9-A as shown on the plans received by letter dated October 1, 2004.

The freight rail traffic consists of two, or less, train movements across the crossing per day, and traveling at a maximum speed of 25 miles per hour. The expected light rail traffic consists of 58 light rail vehicle movements per day, traveling at a maximum speed of 55 miles per hour.

The District is the lead agency for the construction of the new Mine Shaft Lane which is covered under the Downtown Sacramento - Folsom Corridor Project (Project) Final Environmental Impact Statement/Environmental Impact

Report (FEIS/EIR), under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Section 21000 et seq. On March 15, 2000, in compliance with CEQA, the District filed its Notice of Determination (NOD) approving this Project and stating that the Project will have a significant effect on the environment. Mitigation measures were made a condition of approval of the Project.

The Commission is a responsible agency for this project under CEQA (Public Resources Code Section 21000 et seq.). CEQA requires that the Commission consider the environmental consequences of a project that is subject to its discretionary approval. In particular, to comply with CEQA, a responsible agency must consider the lead agency's Environmental Impact Report or Negative Declaration prior to acting upon or approving the project (CEQA Guideline Section 15050(b)). The specific activities that must be conducted by a responsible agency are contained in CEQA Guideline Section 15096.

We reviewed the FEIS/EIR for the Project and believe it is adequate for our decision-making purposes. Safety, transportation and noise are within the scope of the Commission's permitting process.

Safety impacts were identified in the FEIS/EIR. The impacts are related to the addition of the District's facilities. The District will monitor impacts at major arterial grade crossings and implement operation and signal timing improvements as necessary to minimize vehicle queues that may disrupt cross street traffic.

Noise impacts were identified in the FEIS/EIR. The impacts identified related to light rail vehicle, power substation, and grade crossing noise. The mitigation measures adopted to address these impacts involve installing sound attenuation barriers, sound-insulating affected residences, modifying train

operating procedures, and reducing, to the extent possible, the noise emissions of light rail vehicles through shielding, reprofiling of the wheels and other measures.

Transportation impacts were identified in the FEIS/EIR. The impacts involve the relocation of a bike path in the City of Folsom, and reducing the level of service at several intersections. The adopted mitigation measures include the City of Folsom relocating its bike path, and the use of nearside grade crossing indicators where at-grade crossings are adjacent to light rail stations. This will minimize the amount of time the gates are down when trains must stop to load and unload passengers before crossing the road. For all but one of the intersections affected, District determined that the intersections are at their ultimate configuration and no improvements are proposed. For the remaining intersection, mitigation measures include striping to provide a left-turn lane, and a shared right-turn lane.

With respect to the potentially significant safety, noise and transportation impacts identified above, the Commission finds that the District adopted feasible mitigation measures to either eliminate or substantially lessen those impacts. We will adopt the District's environmental findings and mitigations for purposes of our approval.

The District asserts that grade separating the proposed crossing is not practicable due to the low projected traffic count and construction cost.

Rail Crossings Engineering Section staff inspected the site of the proposed new Mine Shaft Lane crossing. After reviewing the need for and safety of the proposed crossing, staff recommends that the requested authority be granted for a period of two years. Application 04-05-030 meets the filing requirements of the

Commission's Rules of Practice and Procedure, including Rule 38, which relates to the construction of a public highway across a railroad.

Categorization and Need for Hearings

In Resolution ALJ 176-3134, dated May 27, 2004, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. Notice of the Application was published in the Commission's Daily Calendar (CDC) on May 24, 2004. No protests have been received. Given these developments, it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3134.

Waiver of Comment Period

The District has requested the order become effective immediately. This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waved.

Assignment of Proceeding

Richard Clark is the assigned Examiner in this proceeding.

Findings of Fact

1. Notice of the application was published in the CDC on May 24, 2004. No protests have been filed.
2. The District requests authority, under Public Utilities Code Sections 1201-1205, to construct a new at-grade crossing of Mine Shaft Lane. The new crossing will be identified as Commission Crossing No. 083E-16.32 and 001AH-106.13. The existing crossing of Mine Shaft Lane crossing shall be closed, Commission Crossing No. 083E-16.19 and 001AH-106.00.

3. Public convenience, safety, and necessity require the construction of the subject crossing.

4. Public safety requires that the crossing be equipped with one Commission Standard No. 9-A warning device (a Standard No. 9 with an additional flashing lights on a cantilevered mast arm), one median mounted Commission Standard No. 9 warning device (flashing light signals with automatic gates), one Commission Standard No. 8 warning device (flashing light signals), one W10-3 (advance warning sign) and one W48 (number of tracks) advanced warning signs with active advance warning flashers on Folsom Boulevard, one W10-1 (advance warning sign) and one W48 (number of tracks) advanced warning signs on Mine Shaft Lane, and pavement markings. An additional set of flashing lights will be installed on the Commission Standard No. 9-A as shown on the plans received by letter dated October 1, 2004.

5. The traffic signals at the new intersection of Folsom Boulevard and Mine Shaft Lane will be interconnected with, and pre-empted by, the railroad warning devices, and utilize an additional train-activated no-right-turn indication message sign for eastbound vehicular traffic.

6. The District is the lead agency for the Project under CEQA, as amended.

7. The Commission is a responsible agency for this project and has reviewed and considered the District's environmental documentation specified in this decision, and finds the documentation adequate for decision-making purposes.

8. On March 15, 2000, the District filed its NOD approving the project and found that the Project would have a significant effect on the environment.

9. Safety, transportation and noise are within the scope of the Commission's permitting process.

10. The Commission finds that for each potentially significant impact related to safety, transportation, or noise, the District adopted feasible mitigation measures to either eliminate or substantially lessen those impacts.

Conclusions of Law

1. The application is uncontested and a public hearing is not necessary.
2. The application should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. The Sacramento Regional Transit District's (District) is authorized to construct a new at-grade highway-rail crossing (crossing) to be known as Mine Shaft Lane across the District and Union Pacific Railroad (UPRR) tracks. The new crossing will be identified as Commission Crossing No. 083E-16.32 and 001AH-106.13.
2. The existing crossing of Mine Shaft Lane shall be closed, Commission Crossing No. 083E-16.19 and 001AH-106.00.
3. The District shall install one Commission Standard No. 9-A warning device (a Standard No. 9 with an additional flashing lights on a cantilevered mast arm), one median mounted Commission Standard No. 9 warning device (flashing light signals with automatic gates), one Commission Standard No. 8 warning device (flashing light signals), one W10-3 (advanced warning sign) and one W48 (number of tracks) advanced warning signs with active advance warning flashers on Folsom Boulevard, one W10-1(advanced warning sign) and one W48 (number of tracks) advanced warning signs on Mine Shaft Lane, and pavement markings. The District shall install an additional set of flashing lights

on the Commission Standard No. 9-A as shown on the plans in the letter dated October 1, 2004.

4. The District shall ensure that the traffic signals will be interconnected with, and pre-empted by, the railroad warning devices, and that an additional train-activated no-right-turn indication message sign is utilized for eastbound vehicular traffic.

5. Construction and maintenance costs shall be borne in accordance with an agreement that has been entered into between the District and the UPRR (parties). Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

6. Within 30 days after completion of the work under this order, the District shall notify the Commission's Rail Crossing Engineering Section in writing, by submitting a completed Standard Commission Form G (Report of Changes at Highway Grade Crossing and Separations), that the authorized work was completed.

7. This authorization shall expire if not exercised within two years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

8. This application is granted as set forth above.

9. Application 04-05-030 is closed.

This order is effective today.

Dated January 13, 2005, at San Francisco, California.

MICHAEL R. PEEVEY
President
GEOFFREY F. BROWN

SUSAN P. KENNEDY
Commissioners